## BOUND FOR FREEDOM: THE CASE OF POLLY STRONG\*

Although based on actual facts surrounding the case of *State v. Lasselle*, parts of this script may be the authors' fictional interpretation.

## Scene I

Mr. Kinney is seated at Attorney Table.

Cue Card: Applause

**Narrator:** It is July 1820 and we are waiting outside Indiana's state capitol building in Corydon, Indiana. Inside this building the Indiana Supreme Court is holding arguments. Many people have come to Corydon for the court session.

Scene card person puts up: Corydon, Indiana, July 1820 and Corydon Capitol building picture

**Narrator:** It's July. It's hot. There's no air-conditioning and not much room in the Courtroom on the 2<sup>nd</sup> floor of this building. As a result, many people are sitting outside, under the trees, where it's cooler, until it is their turn to appear before the Court. The family of Polly Strong is one of those groups.

Today, the Court will hold an oral argument about claims to continue to hold Polly as a slave. She and her attorney come to the Indiana Supreme Court to argue for her freedom because the judge in her hometown of Vincennes says she can still be held as a slave – even though slavery is illegal according to the Indiana Constitution.

Scene card person puts up: Historic Indiana and Kentucky map and attach Corydon Velcro Label to map

**Narrator:** I wonder what Polly is saying to the people waiting outside the Courtroom. Let's see if we can listen in.

**Polly:** I hope to soon be free! Please excuse my tears, but they are tears of worry! I hope that I will never be bound as a slave again! Inside this building, right now, Judges Blackford, Holman,

<sup>\*</sup> The classroom teacher easily can adapt this script to accommodate either older or younger students. For example, high school students could search for more biographical information about the key players or about the relocation of Indiana's capitol from Vincennes to Corydon.

and Scott are deciding whether I will be set free or returned to bondage. Do you know who these men are?

Judge John Scott Biography: Judge John Scott was one of the original 3 judges appointed to the Indiana Supreme Court; he served on the Court from 1816-1830; he was a member of the 1816 constitutional convention that wrote Indiana's 1st constitution and a member of the committee that drafted the judicial article.

**Judge Jesse Holman Biography:** Holman was also one of the original judges of the Indiana Supreme Court serving, like Scott, from 1816 to 1830. When Holman moved to southern Indiana from Kentucky he brought with him slaves inherited by his wife. Once in Indiana he freed these slaves. Holman helped to found both Indiana University and Franklin College.

Judge Isaac Blackford Biography: Judge Isaac Blackford is the longest serving judge in the history of the Indiana Supreme Court. He served for about 35 years; Blackford was a well-known opponent of slavery and was president of Indiana's chapter of the National Colonization Society.

**Polly:** Please forgive my manners! Let me introduce myself. I am Polly, although I was baptized Marguerite. Have you heard about me? I have heard that my story has been talked about throughout all of Indiana and even the Northwest Territory! (Pause)

Did you know that at one time Indiana was a part of the Northwest Territory? Do you know what I mean by the Northwest Territory?

Scene card person: Northwest Territory (hold up while definition student is reading)

Northwest Territory Definition: The Northwest Ordinance of 1787 governed the Northwest Territory, lands north and west of the Ohio River that were ceded to the federal government by various states during the late 18th century. Territory was ultimately divided into six states: Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota.

**Polly:** Did you know that slavery was illegal in the Northwest Territory and in Indiana Territory?

Cue Card: Yes

**Polly:** Did you know that Indiana's first constitution forbade slavery?

Cue Card: Yes

**Polly:** Do you know when this constitution was written?

**1816 Group**: (stand and say together) 1816!

Bound for Freedom: the Case of Polly Strong was written by Dr. Elizabeth R. Osborn, Assistant to the Chief Justice for Court History and Public Education, and Maxine Brown, Leora Brown School of Corydon, Indiana, as a part of the Courts in the Classroom program. More information is available on this topic at

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**Polly:** Yes, I have in my memory some words from that Constitution. It says, "That all men are born equally free and independent; and have certain natural, inherent, and unalienable rights; among which are, the enjoying and defending of life and liberty, and of acquiring, possessing, and protecting property; and pursuing, and obtaining happiness and safety." And later on it says SLAVERY WAS ILLEGAL! (*stalk over to the corner/back area at the end of this emphatic speech*)

Cue Card: Applause

## Scene II

**Narrator:** Wow, that Polly is passionate. I can't believe how much of the Constitution she knows. I wonder if she knows how to read? Most slaves don't. Let's go drop back in on her while she waits to appear before the Court.

**Polly:** But let me continue my story, so you can understand why I am here outside this courthouse in Corydon waiting to see if I will be free.

I was born 22 years ago in Vincennes, Indiana. Do you know where Vincennes is?

Scene card person: attach Vincennes Velcro Label to map

Scene card person: Vincennes, Indiana Location card and Vincennes Capitol building picture (hold up while definition student is reading)

**Territorial Capitol of Vincennes Definition**: Vincennes, Indiana, was the capital of the Indiana Territory after the Northwest Territory was divided into 2 parts. This happened when Ohio became a state. Once Indiana achieved statehood, the state capital was moved to Corydon. Polly's case began in Vincennes in a local court and was appealed to the Indiana Supreme Court in Corydon.

**Polly:** My mother's name is Jenny. She is right over there. (*Point at audience member.*) Mother, come tell everyone your story.

Jenny walks toward the front of the room. Another student walks up with her and holds up sign saying "Polly's mom" for whole audience to see.

**Jenny:** At 15 years old, I was kidnapped in Kentucky by some Indians and held prisoner. I was taken to Detroit and sold to a man named Isaac Williams. Mr. Williams eventually sold me to a Frenchman named Lasselle – Antoine Lasselle. (*Jenny and "Polly's mom" sign sit back down*).

Scene card person: attach Kentucky Velcro Label to map

**Polly:** Thank you Mother. Now don't be confused. Antoine Lasselle is my current master's uncle. My current master is Hyacinthe Lasselle. I suppose you have heard about this practice which put women like my mother and me at risk—stealing people and selling them as slaves. Mother Jenny had no choice in the matter – she was merely a slave and considered property.

My mother had two children. I have a brother named James. See, that's James over there next to my mother. (*Point to James*).

James walks toward the front of the room. Another student walks up with him and holds up sign saying "Polly's brother" for whole audience to see.

**James**: Originally, I was held as a slave like Polly. Mr. Lasselle threatened to send me to New Orleans if I wouldn't sign papers agreeing to work for him. These papers essentially kept me as a slave. The Court threw them out because I was a minor when I signed them. (*James and "Polly's brother" sign sit back down*).

**Polly:** Thank you James. Captain David Strong from Fort Wayne is thought to be both of our fathers.

Scene card person: attach Fort Wayne Velcro Label to map

**Polly:** Our mother was not married to Captain Strong, but in my baptismal record he is named as my father. I was given his last name, so I am Polly Strong. Hyacinthe Lasselle was already one of the most prominent men in Vincennes when he bought my mother, James, and me. Lasselle owned a tavern, which served as the only hotel in Vincennes. That's him over there. (*Point to Lasselle in audience.*)

Hyacinthe Lasselle stands up, scowls, and says line below as he slowly looks around at whole audience. Another student stands next to him holding sign saying "Hyacinthe Lasselle" for whole audience to see.

**Hyacinthe Lasselle:** This whole case is ridiculous. Polly and James belong to me!

**Polly:** My mother works in Mrs. Lasselle's home – James and I worked in the tavern or at home. We weren't forced to work in the fields like I've heard slaves in the South are forced to do. However, we still had no freedom to choose what we wanted to do. Our time was planned for us and we had very little free time. James and I wanted to learn to read, and we were lucky because a kind man we met in the tavern helped to teach us. Do you know that in many places down south it is illegal to teach a slave to read! My mother taught me to sew and to make knots. Of course, we were allowed to go to church. As I stated earlier, I was baptized as Marguerite on April 11, 1819, at St. Francis Xavier Catholic Church in Vincennes. There I was taught to pray and pray I do! Each day and each night I pray for freedom. I pray that my mother and my

brother, James, will be set free from bondage. Can you imagine what life would be like if you could not choose for yourself what kind of work you would like to do and whether you might wish to marry and to whom? What do you think – how would you feel if you could not choose for yourself? (*Pause*)

Being a slave, being someone's property, makes me feel very sad and helpless! But my sadness turned to hope when Mr. Osborn and Mr. Kinney moved to Knox County. Mr. Kinney is my lawyer; he's working very hard on my case. (*Point to student seated at attorney's table*).

Mr. Kinney sits at lawyer's table with a stack of law books, writing on paper. Mr. Kinney stands to say line below. Another student stands next to him holding sign saying "Polly's Lawyer" for whole audience to see.

**Mr. Kinney**: Don't worry, Polly. I'm hard at work on your case. (*Mr. Kinney and "Polly's lawyer" sign sit back down*).

**Polly**: Kinney and Osborn are brothers-in-law and have strong anti-slavery views; they even publish a newspaper with articles opposing slavery. They are convinced that slavery like mine is illegal in Indiana. Do you know why they think that slavery is illegal in Indiana?

**1816** Constitution Group: (*stand and say together*) Because the Indiana Constitution of 1816 says so!

**Polly**: Exactly. So, they convinced Colonel George McDonald and Moses Tabbs, who also live in the area, to bring a case in the local courts for my freedom. You see, I was told one of the arguments that Hyacinthe Lasselle would use was that the privilege of holding slaves existed when this land belonged to the French and then to Virginia before it even became a part of the Northwest Territory or the free state of Indiana. Both Virginia and France allowed slavery. Do you think that after Indiana became a state, its citizens should still be allowed to own slaves if the Constitution says slavery is illegal?

Cue Card: No

**Polly:** That's right . . . right there in Article 11, section 7 of the Indiana Constitution it says, "There shall be neither slavery nor involuntary servitude in this state otherwise than for the punishment of crimes, whereof the party shall have been duly convicted." These words are so important to me that I've memorized them! Do you know any of the words of the Constitution from memory?

**Constitution Response Groups:** (stand and read together, one after the other, sit down after part is read)

• "We the People, of the United States, in order to form a more perfect Union, establish justice, insure domestic Tranquility, provide for the common defense, promote the

general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

- "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof...."
- "Congress shall make no law... abridging the freedom of speech..."
- "Congress shall make no law...abridging the freedom of the press..."

**Polly:** Are you surprised that a slave knows about the law? Well, Mr. Moses Tabbs helped me to understand this important document. Can you understand why I remember these words and keep them close to my heart?

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Cue Card: Yes
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**Polly:** I was born into slavery. My mother, Jenny, was not free to choose for herself or for James and me. I have lived as a slave for twenty-two years. I hope after today all that will change. I hope I will be able to make my own decisions and I can help my dear mother, Jenny.

Perhaps, James, our mother, and I will move to another place to live. It may be difficult to live in Vincennes where Mr. Lasselle lives and where the courts of Knox County kept telling him he could keep me as a slave. I'm not the only slave or indentured servant living in Vincennes. I wonder what will happen to them if I'm set free? I wonder if people are still being held as slaves in other parts of Indiana? What do you think? Surely, there are none here in this lovely village, Corydon, are there? (*Pause*)

I have heard about many black families who came to Indiana hoping to be free. Although they came to be free, I'm afraid that some may not have found freedom. However, if I am freed by this case, I hope they too will be free. Slavery will be outlawed once and for all time by the highest court in the State! Oh look, there's my lawyer, Mr. Kinney. I think he wants me to come inside. (*Join Kinney standing behind one of the tables*.)

Mr. Kinney stands up at lawyer's table and waves Polly over.

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Cue card: Applause
Scene card person removes: Corydon Capitol building picture
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## Scene III

**Narrator**: (speak while others are moving around) It looks like it is time for Polly's lawyers to argue for her freedom in front of the Court. They have to convince the three Indiana Supreme Court judges that Judge Doty from Vincennes was wrong.

Tabbs and McDonald are sitting in first row. Hyacinthe Lasselle and Mr. Call move up to the other table. Bailiff goes and stands at lower bench.

**Narrator:** (speak while others are moving around) Do you know what the Indiana Supreme Court is?

Scene card person put up: Indiana Supreme Court Courtroom

**Indiana Supreme Court Definition:** The Indiana Supreme Court is the highest court in the state of Indiana. In 1820 there were 3 members of the Supreme Court: Judge Blackford, Judge Holman, and Judge Scott. Under the 1816 Constitution judges were appointed to the Court by the Governor for a 7-year term. At the time of Polly's case, the Court met in Corydon, the state capital.

**Narrator**: (speak while others are moving around) Do you know how the Indiana Supreme Court differs from trial courts like Judge Doty's back in Vincennes?

**Difference between trial and appellate courts Definition:** A county trial court has only 1 judge elected by the people in the county. An appellate court has a panel of several judges. At this time, they were chosen by the governor from across the state. Today Polly would first have to appeal her case to an intermediate appellate court—the Court of Appeals. But that Court was not established until 1901 so her case came straight from the trial court in Knox County to the Indiana Supreme Court.

**Bailiff:** (pounds gavel three times, speaks loudly) All rise. Hear Ye, Hear Ye, Hear Ye, the Supreme Court of Indiana is now in session.

Judges enter and sit down.

**Judge Scott:** Please be seated. (*Pause. Wait for audience to be seated.*) The court gathers here this morning to hear arguments in the case of *The State of Indiana v. Hyacinthe Lasselle*. Mr. Lasselle, do you have a lawyer with you?

**Hyacinthe Lasselle:** (*stands up*) Yes sir, Mr. Call is my attorney. (*Gesture to Mr. Call. Mr. Call stands up, waves, and both sit back down.*)

**Judge Scott:** Mr. Kinney, do you represent the State in this case?

**Mr. Kinney:** (*stands up*) Yes sir, I do. I represent the State, the appellant, who brings this case on behalf of Miss Marguerite Strong, more commonly known as Polly.

**Narrator:** Can someone explain what an appellant is?

**Appellant Definition**: The appellant is the person who is appealing the case to the Supreme Court. This is usually the person who lost in the lower court. Judge Doty ruled that Polly was still a slave, so she appealed to the Indiana Supreme Court. Therefore, she is the appellant.

**Judge Blackford:** Mr. Kinney, have you had any assistance in preparing this case?

**Mr. Kinney:** (*still standing*) Your Honor, I am assisted in this matter by my colleagues, Mr. Tabbs and Mr. McDonald. (*Gesture to both who are sitting in first row. Mr. Tabbs and Mr. McDonald stand up, and Mr. Tabbs addresses the court*).

**Mr. Tabbs**: Your Honors, Mr. McDonald and I were the ones who originally helped Polly begin to pursue her freedom. We are interested in helping promote the anti-slavery movement in all of Indiana. (*They all sit back down*.)

Judge Scott: Hmmmm. Mr. Call, you may begin.

**Call:** (*stands to make argument*). Your Honors, it is our position, that Mr. Hyacinthe Lasselle is the legal owner of Miss Polly Strong. Judge Jonathan Doty of the Knox Circuit Court in Vincennes determined that Polly's mother was legally a slave, and therefore her children, Polly and James, are also slaves.

**Judge Holman:** Mr. Call, I see in the trial court records that Mr. Lasselle was issued a writ of habeas corpus by Judge Doty. Did he comply with that order?

**Narrator:** I wonder what a writ of habeas corpus is?

Writ of Habeas Corpus Definition: Habeas corpus translated from Latin literally means "you have the body." When the court issues a writ of habeas corpus, it is requiring that a specific person be brought to court. In this case, Lasselle had to bring Polly to Judge Doty's courtroom.

**Call**: Yes, Your Honor. Mr. Lasselle complied with this and all other orders he received from Judge Doty by bringing Polly to his courtroom.

**Judge Blackford:** Mr. Call, I would like to hear your explanation as to why Polly's mother continued in slavery when both the Northwest Ordinance and the Indiana Constitution forbid slavery in Indiana?

**Call:** Your Honor, Jenny was first held as a slave when this land belonged to the French and she continued to be a slave when the land in western Indiana where Vincennes is located became a part of the British North American colonies, and later a part of the state of Virginia. Under treaties signed by the British, the "privilege of holding slaves was reserved to the residents" of this area.

**Judge Holman**: Mr. Call, do you think that the authors of Indiana's 1816 constitution had the authority to prohibit slavery in the newly formed state?

**Mr. Call**: No sir, I do not. They should have respected the existing treaties.

**Judge Blackford:** Thank you, Mr. Call. I believe we understand your position. (*Call sits down*.)

**Judge Scott:** Mr. Kinney, will you be sharing your allocated time with your co-counsels?

**Kinney:** No, Your Honor.

**Judge Scott:** Mr. Kinney, you may proceed.

**Kinney:** (*stands to make argument.*) Thank you.

**Judge Holman:** (*interrupting Kinney as he starts*) Mr. Kinney, before you begin, could you please address Mr. Call's point about Polly being a slave because her mother is a slave?

**Kinney:** Certainly, Your Honor. The treaties Mr. Call is referring to do not apply to Polly. Polly was never a slave because she was born after the treaties were signed.

**Judge Holman:** So you believe Judge Doty's interpretation of the facts to be wrong?

**Kinney:** I do, Your Honor. Clearly the Northwest Ordinance and the Indiana Constitution both prohibit slavery. Polly was not alive when France and Virginia held this territory. The laws of those governments do not apply to her, her brother, or any others being held in slavery under this pretense!

**Judge Blackford:** Mr. Kinney, this Court must consider more than just Miss Strong when deciding this case. Do you think that how we rule on this case will apply to other persons in Indiana?

**Kinney:** Yes, Your Honor. The Indiana Constitution clearly prohibits slavery, and Polly is not the only person being held in bondage even in Vincennes. So, I am sure that there are other unfortunate persons in this same situation in other parts of the state. (*Kinney sits down.*)

**Judge Scott:** Mr. Kinney and Mr. Call, thank you for your arguments here this morning. We will advise you as to our decision shortly.

Judges remain at the bench and pretend to be working by looking at books, writing notes, occasionally turning to each other and whispering.

**Narrator:** Both sets of lawyers did a great job trying to convince the Court that they are right. Now there is nothing to do but wait for the opinion of the Court. (*Short pause*.) It looks as though they are ready.

**Judge Blackford:** We are gathered here today to hand down our opinion in the case between Hyacinthe Lasselle and the State of Indiana over Miss Polly Strong. Are both parties present?

Lasselle: (stands) Yes, Your Honor.

**Polly:** (*stands*) Yes, Your Honor.

**Judge Holman:** "The question before this Court is, as to the legality of Lasselle's claim to hold Polly as his slave." Mr. Lasselle and his lawyers claim the right to hold Miss Strong as a slave based on a privilege reserved to the residents of the Vincennes area before it became a part of the United States and that those privileges continued when it became a part of Virginia. Virginia expected that privilege to continue when the land became a part of the Northwest Territory and then Indiana.

**Judge Blackford:** Miss Strong's attorneys counter this argument by claiming that both the Northwest Ordinances and the Constitution of the State of Indiana clearly prohibit the institution of slavery except as a punishment for crime—following a conviction.

**Judge Holman:** What Virginia intended in 1787 is unimportant in this case. "It was within the legitimate authority of the [1816 constitutional] convention...to prohibit the existence of slavery in our state."

**Judge Scott:** Thus, this Court, after a careful examination of the law, concludes that "Slavery is entirely prohibited within the State of Indiana, by the express words of the Constitution. It follows as an irresistible conclusion, that, under our present form of government, Slavery can have no existence in the State of Indiana, and of course the claim of Hyacinthe Lasselle cannot be supported."

**Judge Holman:** It is therefore considered by the Court, that the judgment of the Circuit Court be in all things reversed, set aside, and held for naught; And that Polly be discharged from custody.

Lasselle scowls and stomps away.

**Bailiff:** All rise. (*Bailiff pounds gavel once*). Court is adjourned.

Judges stand and leave bench. Kinney sits back down at table. Call returns to seat in audience.

**Polly:** (Celebrates, hugs attorney, hugs audience members, family, etc. Creates her own closing statement about how wonderful it is to be free. Then concludes with last line) Excuse me now, I want to go share the good news with my friends back in Vincennes.

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Cue Card: Applause
Scene card person removes: Historic Indiana and Kentucky map, Corydon,
Indiana, July 1820 and Indiana Supreme Court Courtroom
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**Narrator:** This is wonderful news. The Indiana Supreme Court is closing off loopholes that people are using to try and keep slaves even though it is illegal in Indiana.

Polly's case doesn't settle the issue of slavery in Indiana for everyone. The Court will hear several more cases brought by people held as slaves, and in most cases, like in Polly's case, they will be set free.

Despite the efforts of the Court, census records show there were still a few slaves left in Indiana as late as 1850!